

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:17-CR-243 JCM (NJK)

Plaintiff(s),

ORDER

v.

GUISEPPE RUSSO,

Defendant(s).

Presently before the court defendant Giuseppe Russo's *pro se* motion for credit for time served. (ECF No. 62). The government has responded. (ECF No. 63).

Defendant has filed what purports to be a motion for credit for time served. (ECF No. 62). In his brief filing, defendant asks: "for proof that what I need pertaining to me receiving all my credit from 7-18-2017 up to my sentencing date w[ith] federal/state cases ran concurrent with each other." (*Id.*).

This court exercises its discretion to consider defendant's motion although he has moved *pro se* despite his appointment of counsel. (ECF No. 63). The government appropriately notes that defendant has not exhausted his administrative remedies with the Bureau of Prisons. (*Id.*); see *Reno v. Koray*, 515 U.S. 50, 53 (1995) (describing procedural history of inmate's challenge to BOP credit determination); *United States v. Wilson*, 503 U.S. 329, 335 (1992) ("After a district court sentences a federal offender, the attorney general, through the BOP, has the responsibility for administering the sentence."). Defendant provides no proof of exhaustion. Thus, defendant's motion is denied.

...

1 This court, however, directs defendant to docket entry number 51 of this case, which
2 states:


3 JUDGMENT as to Giuseppe Russo (1), Count 1, Sentenced
4 4/3/19: SIXTY-FIVE (65) MONTHS TO RUN CONCURRENT
5 WITH THE SENTENCE IMPOSED IN HIS CLARK COUNTY
6 DISTRICTCOURT CASE: C-18-334440-1; defendant remanded;
three years supervised release with special conditions; \$100
assessment; fine waived.

7 (ECF No. 51). To any extent that this information does not address defendant's concerns, this
8 court declines to provide further relief at this time.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for
11 credit for time served (ECF No. 62) be, and the same hereby is, DENIED.

12 DATED January 13, 2021.

13 
14 UNITED STATES DISTRICT JUDGE